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Attorneys for Plaintiff  
 MEDIOSTREAM, INC.

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

MEDIOSTREAM, INC.,

Plaintiff,

v.

MICROSOFT CORP. et. al.,

Defendants.

Case No. 3:11-CV-02525 RS  
 STIPULATION AND ~~[PROPOSED]~~  
 ORDER DISMISSING CYBERLINK  
 (F.R.C.P. 41(a)(2))

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff MedioStream, Inc. (“MedioStream”) and Cyberlink.Com Corporation, (“Cyberlink”) hereby stipulate and move for a dismissal without prejudice of the portions of this action between MedioStream and Cyberlink.

As grounds for this Stipulated Dismissal, MedioStream and Cyberlink state the following:

1. On November 9, 2007 MedioStream filed a Second Amended Complaint in this action naming Cyberlink as a defendant;
2. On January 9, 2009, MedioStream filed a Fourth Amended Complaint against Cyberlink;
3. Cyberlink has filed Answers and Counterclaims to MedioStream’s Fourth Amended Complaint;
4. MedioStream is the only party to have asserted claims against Cyberlink in this action;
5. MedioStream desires to dismiss all of its claims against Cyberlink without prejudice, with each party bearing its own costs, fees and expenses.
6. Cyberlink desires to dismiss all its counterclaims against MedioStream without prejudice, with each party bearing its own costs, fees and expenses.
7. As both parties desire to dismiss their claims against each other without prejudice to refile such claims, the parties agree to toll any relevant statute of limitations as of the date their claims were filed in the above action.

Therefore, MedioStream and Cyberlink respectfully request that the Court dismiss MedioStream’s claims against Defendant Cyberlink without prejudice, and dismiss Defendant Cyberlink’s counterclaims against MedioStream Inc., without prejudice.

Dated: July 27, 2011

Respectfully submitted,

By: /s/Byron Cooper

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Attorneys for Defendant Cyberlink.com  
 Corporation.

~~PROPOSED~~ ORDER

COMES NOW for consideration Plaintiff MedioStream, Inc. and Cyberlink.Com Corporation's Stipulation for Dismissal, Without Prejudice, of this action as between MedioStream, Inc. and Cyberlink.Com Corporation;

WHEREAS, Plaintiff MedioStream, Inc. desires to dismiss all of its claims against Defendant Cyberlink.Com Corporation without prejudice, with each party bearing its own costs, fees and expenses;

WHEREAS, Defendant Cyberlink.Com Corporation desires to dismiss all its counterclaims against Plaintiff MedioStream, Inc. without prejudice, with each party bearing its own costs, fees and expenses; and


WHEREAS, the Court is of the opinion that the requested dismissals should be GRANTED.

IT IS SO ORDERED, that Plaintiff MedioStream, Inc.'s claims against Cyberlink.Com Corporation are DISMISSED WITHOUT PREJUDICE, with each party bearing its own costs, fees and expenses.

IT IS FURTHER ORDERED, that Defendant Cyberlink.Com Corporation's counterclaims against Plaintiff MedioStream, Inc. are DISMISSED WITHOUT PREJUDICE, with each party bearing its own costs, fees and expenses.

IT IS FURTHER ORDERED, that any relevant statute of limitations regarding the claims of MedioStream, Inc. and regarding the counterclaims of Defendant Cyberlink.Com Corporation be tolled as of the date each of said claims was filed in the above action.

Date: 8/8/11

  
Hon. Richard Seeborg  
United States District Judge